

## **REMARKS**

The Office Action of October 30, 2006 has been carefully considered. Claims 1-10 were originally filed in this application. Amendments to claims 1 and 3-9 are made in response. New claim 11 has been added. Consequently, claims 1-11 are in condition for allowance.

### ***Claim Objections***

Claims 4-7 and 9 are objected as being in improper form because a multiple dependent claim cannot depend upon another multiple dependent claim. The claims have been amended to overcome this objection.

### ***Claim Rejections - 35 U.S.C. § 112***

Claim 1-3 and 8 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 1 and 8 have been amended to more clearly identify the claims language. All rejections under 35 U.S.C. 112, second paragraph, have been overcome and are respectfully requested to be withdrawn.

### ***Claim Rejections - 35 U.S.C. § 102***

The Examiner has rejected Claims 1, 3 and 4 under 35 U.S.C. § 102 as being anticipated by Burgin (US 5,399,053).

In the absence of any teaching or suggestion as presently claimed, in the Burgin reference, anticipation of the present claims is negated. This is because all elements of the claimed invention must be disclosed in a single reference for anticipation to exist. Atlas Powder Co. v. E. I. DuPont de Nemours & Co., 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984).

Missing elements cannot be supplied by the knowledge of one skilled in the art or the disclosure of another reference in order to give rise to an anticipation rejection. Structural Rubber Products Co. v. Park Rubber Co., 749 F.2d 707, 223 U.S.P.Q. 1264 (Fed. Cir. 1984).

However, Burgin does not disclose all of the elements of the currently pending claims. Burgin discloses a modular speculum having a spoon blade module, called the speculum head and a hand module, called the base. In the Burgin reference, the speculum head is provided with a locking means for locking the spoonblades in an open position (see figure 2). These locking means are called retaining members 40, 42 and have serrated or toothed portions 44, 46 which can mutual engage. In use of the speculum, the physician operator makes discrete adjustments to the distance between the distal ends of the spoonblades by manipulation of the retaining members (see column 4, line 11).

In contrast, with the speculum according to the pending claims, the opening of the spoonblades is controlled by manipulation of an operating handle 5 which is provided on the handle module instead of on the spoonblade module as is the case with Burgin. In order to allow opening of the spoonblades, there is provided a transmission means for transmitting movement of the operating handle into relative swinging of the spoonblades. In Burgin, the transmission means are absent as the retaining means 40, 42 are direct extensions of the proximal parts of each spoonblade.

By providing the operating handle 5 on the handle module 4, the physician operator can control the spoonblades without hindering his/her view through the speculum. Further, the manipulation of the spoonblades opening is done at some distance from the opening in the vagina. This is much more comfortable for the female patient than manipulating the blades of the Burgin speculum, because the Burgin speculum requires the physician to utilize his/her fingers in the opening of the vagina as the retaining means to be manipulated are provided on the spoonblade module.

An additional advantage of providing the operating handle on the handle module is that in the case of self inspection, (see page 2 line 32 of the original specification) the use of the claimed speculum is much easier and user friendly.

Further, although the operating handle is provided on the handle module, the transmission means are provided on the spoon module. This prevents contamination from patient to patient as the transmission means are disposed together with the spoonblade module.

New claim 11 is directed towards a transmission rod which can translate in its longitudinal direction. This rod enable an easy and reliable transmission, which does not hinder the freedom of examination and which is patient friendly because it extends internally through the spoonblade module.

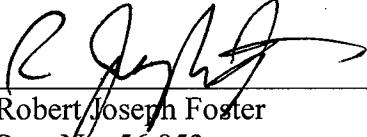
Burgin fails to claim a speculum with an operating handle on the handle module and the presence of transmission means. These claim limitations is more user-friendly and provides greater examination freedom for the doctor or woman in the case of self-examination. Since Burgin fails to disclose a speculum as presently claimed, the Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. 102 rejections of the pending claims.

***Conclusion***

Applicants have complied with all requirements made in the above referenced communication. Applicants submit that the present application is in condition for allowance, and therefore, respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 72998-012500 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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